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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,155	02/04/2002	Yoshinobu Shiraiwa	03500.016155	9159
5514	7590	06/28/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			HUNTSINGER, PETER K	
		ART UNIT	PAPER NUMBER	2625

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/061,155	SHIRAIWA, YOSHINOBU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Peter K. Huntsinger	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 May 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 51-58 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 51-58 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/30/06 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 51-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aosaki et al. Patent 6,963,359, and further in view of Hatakenaka et al. Patent US 6,563,542.

Referring to claims 51, 54, 57, and 58 Aosaki et al. disclose an image pickup apparatus comprising: an image pickup unit for obtaining a digital image (CCD image sensor of Fig. 6, col. 6, lines 35-36); an interface for connecting to a storage medium which stores the digital image obtained by said image pickup unit (col. 7, lines 8-12); a reproducing unit for reading out the digital image stored in the storage medium via said

interface and causing a display apparatus to display the read-out image (col. 6, lines 63-67); a designating unit (keyboard 57 of Fig. 12, col. 11, lines 57-64) for designating the image displayed on the display apparatus as a print subject for a printer communicating with said image pickup apparatus (col. 15-16, lines 64-67, 1-3); a display control unit for causing the display apparatus to display a print setting screen, in accordance with a first designation provided to said designation unit (col. 16, lines 17-23); and a printing control unit for instructing the printer to print the image displayed by the display apparatus, in response to a designation provided to said designation unit successively to the first designation (col. 16, lines 23-25). Aosaki et al. do not disclose expressly an external printer. Hatakenaka et al. disclose an external printer (col. 4, lines 31-34). Aosaki et al. and Hatakenaka et al. are combinable because they are from the same field of digital cameras connected to a printer. At the time of the invention, it would have obvious to a person of ordinary skill in the art to utilize an external printer. The motivation for doing so would have been to print images with better quality than capable by an internal printer. Therefore, it would have been obvious to combine Aosaki et al. with Hatakenaka et al. to obtain the invention as specified in claims 51, 54, 57, and 58.

Referring to claims 52 and 55, Aosaki et al. disclose a print setting screen but do not disclose expressly a menu for a printing option and another menu option. Hatakenaka et al. disclose wherein the print setting screen is arranged so as to display a menu for instructing execution of a printing operation, and another menu, the menu for instructing execution of the printing operation being selected as a default menu in the displayed print setting screen (col. 6, lines 30-55). The SINGLE PRINT option of Fig.

4A is a printing operation, the NEXT option of Fig. 4A is another menu item. Aosaki et al. and Hatakenaka et al. are combinable because they are from the same field of digital cameras connected to a printer. At the time of the invention, it would have obvious to a person of ordinary skill in the art to access another menu from the print setting screen. The motivation for doing so would have been to separate options that are distinctly different on a separate view. Therefore, it would have been obvious to combine Aosaki et al. with Hatakenaka et al. to obtain the invention as specified in claims 52 and 55.

Referring to claim 53 and 56, Aosaki et al. disclose a print setting screen but do not disclose expressly a selection item of cancellation. Hatakenaka et al. disclose a selection item of cancellation (END of Fig. 4A, col. 6, lines 38-42). Aosaki et al. and Hatakenaka et al. are combinable because they are from the same field of digital cameras connected to a printer. At the time of the invention, it would have obvious to a person of ordinary skill in the art to provide a cancellation item in a menu. The motivation for doing so would have been to allow the user to stop an unwanted action. Therefore, it would have been obvious to combine Aosaki et al. with Hatakenaka et al. to obtain the invention as specified in claims 53 and 56.

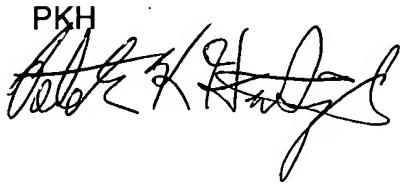
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on Monday - Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571)272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PKH  


KG Williams  
KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER